

Notice of Allowability

Application No.

09/920,573

Applicant(s)

SCHWANKL ET AL.

Examiner

Elda Milef

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 7/30/2010.
2. ☒ The allowed claim(s) is/are 1-18,20-24,32-48,50-54,61 and 62.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>7/30/2010</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 7/30/2010 was filed after the mailing date of the notice of allowance on 4/30/2010. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jun Wei (Reg. No. 55,717) on 4/16/2010.

The application has been amended as follows:

In the specification, at page 29, paragraph [0061], line 2, "communicating batch offers to the commerce facility 10 utilizing a bulk-listing seller toil" has been amended to read --communicating batch offers to the commerce facility 10 utilizing a bulk-listing seller tool--.

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Claim 1. (Currently Amended) A method to facilitate a transaction via a network-based transaction facility, the method including:

recording a pre-order relating to an item in a processor-implemented database of the transaction facility, the pre-order specifying a plurality of pre-order attributes including a minimum pre-order product condition and minimum seller rating;

receiving an offer to sell the item at the transaction facility, the offer specifying a plurality of offer attributes including an offer product condition and a seller rating;

automatically performing with processor-implemented matching logic a matching operation to detect a correspondence between the pre-order and the offer, the matching operation utilizing the plurality of pre-order attributes and the plurality of the offer attributes to detect the correspondence; and

responsive to the processor-implemented matching logic detecting a correspondence between the pre-order and the offer, automatically performing a transaction when the plurality of pre-order attributes are satisfied by the plurality of the offer attributes,

wherein, if a batch of ~~pre-orders~~ offers are detected matching the ~~offer~~ pre-order, the ~~batch of matching~~ pre-orders are set in to a reserve state, and wherein a second transaction is performed when one of the ~~batch of~~ pre-orders is confirmed.

Claim 33. (Currently Amended) The system of claim 32 wherein the seller rating is established based on a trading history of a seller from which the offer ~~originators~~ originates.

Claim 61. (Currently Amended) A commerce system to facilitate a transaction, the system including:

first means for recording a pre-order relating to an item at the transaction facility, the pre-order specifying a plurality of pre-order attributes including a minimum pre-order product condition and minimum seller rating; and

second means for automatically performing a matching operation to detect a correspondence between the pre-order and an offer received at the system, the offer specifying a plurality of offer attributes including an offer product condition and a seller rating, the matching operation utilizing the plurality of pre-order attributes and the plurality of the offer attributes to detect the correspondence;

the second means further, responsive to a detection of the correspondence by the matching operation, for automatically performing a transaction when the plurality of pre-order attributes are satisfied by the plurality of the offer attributes,

wherein, if a batch of ~~pre-orders~~ offers are detected matching the ~~offer~~ pre-order, the ~~batch of~~ matching pre-orders are set ~~in to~~ a reserve state, and wherein a second transaction is performed when one of the ~~batch of~~ pre-orders is confirmed.

Claim 62. (Currently Amended) A machine-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine to facilitate a transaction via a network-based transaction facility, the method including:

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recording a pre-order relating to an item at the transaction facility, the pre-order specifying a plurality of pre-order attributes including a minimum pre-order product condition and minimum seller rating;

receiving an offer to sell the item at the transaction facility, the offer specifying a plurality of offer attributes including an offer product condition and a seller rating;

automatically performing a matching operation to detect a correspondence between the pre-order and the offer, the matching operation utilizing at least one pre-order attribute of the plurality of pre-order attributes and at least one offer attribute of the offer attributes to detect the correspondence;

responsive to a detection of the correspondence by the matching operation, automatically performing a transaction when the plurality of pre-order attributes are satisfied by the plurality of the offer attributes,

wherein, if a batch of ~~pre-orders~~ offers are detected matching the ~~offer~~ pre-order, the ~~batch of~~ matching pre-orders are set ~~in~~ to a reserve state, and wherein a second transaction is performed when one of the ~~batch of~~ pre-orders is confirmed.

3. The following is an examiner's statement of reasons for allowance:

Claims 1-18, 20-24, 32-48, 50-54, 61-62 are considered allowable since when reading the claims in light of the specification, as per MPEP §2111.01, none of the references of record alone or in combination disclose or suggest the combination of limitations specified in the independent claims, including "wherein, if a batch of offers

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are detected matching the pre-order, the matching pre-orders are set to a reserve state, and wherein a second transaction is performed when one of the pre-orders is confirmed" as specified in claims 1, 61 and 62.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday -Friday 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571)272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elda Milef/
Examiner, Art Unit 3694

/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694